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# STRATEGY RESEARCH PROJECT

# DOD SUPPORT TO DRUG LAW ENFORCEMENT AGENCIES

BY

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# DOD SUPPORT TO DRUG LAW ENFORCEMENT AGENCIES

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# **ABSTRACT**

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TITLE: DoD Support to Drug Law Enforcement Agencies

FORMAT: Strategy Research Project

DATE: 15 April 1996 PAGES: 28 CLASSIFICATION: Unclassified

The role of the U.S. military is to fight (and win) our nation's wars. Our military's effectiveness in "operations other than war" is called into question concerning the drug war. This paper compares and contrasts two strategies (supply vs. demand) in seeking the most efficient and effective way to combat the drug problem in the United States. It incorporates current and traditional sources, as well as an interview with a subject matter expert (SME) to evaluate what approach we should take in order to attain "victory" in what appears to be an "unwinnable war."

The purpose of this paper is to present a logical and supportable argument for a change in policy on how DoD supports civilian drug law enforcement agencies (DLEAs) in combatting the war on drugs. I propose that the U.S. policy in the war on drugs requires a shift in focus to "demand-side" efforts versus "supply-side." Supply-control and demand-control programs are fundamentally different. Supply-control programs affect consumption indirectly through price increases; demand-control programs affect consumption directly through reducing the number of users. However, both types of programs share the characteristic that their immediate program outcomes -- product seizures and persons treated -- are not, by themselves, sufficient to evaluate program performance. The links between these immediate outputs and final outcomes must be forged before program comparisons are possible. A demand reduction strategy attempts to decrease individuals' tendency to use drugs. Efforts provide information and education to potential and casual users about the risks and adverse consequences of drug use, and treatment to drug users who have developed problems from using drugs. Conversely, the supply-side strategy focuses on diplomatic, law enforcement, military, and other resources in eliminating or reducing the availability of illegal drugs.<sup>2</sup> In developing this thesis, I will utilize the strategic thought model (ends-ways-means) as an analytical tool.

## Evolution of Current U.S. Policy

The first drug control law was the Harrison Act, enacted in 1914. The reason for the decline in cocaine use during this

period was education, not the passage of the Harrison Act itself. There seems to be a correlation between the overall mood and feelings in American society at large and the degree of drug abuse. When people feel good about themselves, the incidence of drug abuse tends to be lower. Likewise, when there is a high degree of civil unrest and turmoil, there seems to be a correspondingly higher degree of drug abuse.<sup>3</sup>

During the 1969 time frame, President Nixon's administration allocated more money for the demand-side activities than for the supply-side efforts to deal with the drug problem here in the United States. At the same time, his administration paid special attention to supply-side efforts abroad; e.g., Mexico and Latin America. According to Dr. Rosenberger, "it's easier for the United States to get tough with other countries on drugs than it is for the U.S. Federal government to get tough with U.S. State governments." There is a great disparity in standards of enforcement within the fifty states as compared with other countries. This hypocrisy is seen by other countries as being patronized by the United States.

The 1970's saw a re-emerging cocaine problem. This can be attributed to a lack of purpose and direction in our society. During the early years of this period, the Vietnam War was being protested, the military in general was not held in high esteem and general civil unrest was rampant. The nation managed to survive this decade with a lot of questions being raised as to why we were seemingly "coming apart at the seams". 5

President Reagen's administration tripled the amount of money going toward supply-side efforts to fight the drug problem during the 1980's, while funds for the demand-side were reduced. About 1986, crack-cocaine appeared on the scene. There were at least two major sports stars that over-dosed during the same month, resulting in high visibility of our drug problem and actions to combat it. Congress held hearings and again in a "reactive" (versus Pro-active) mode, money was thrown into the demand-side efforts. A "zero-tolerance" approach was being taken toward the problem.6

By 1989, there was a realization that the existing strategy was not working. The drug problem had spread into the white suburbs. Heretofore, it was concentrated (at least we thought) in the inner-city. President Bush declared a "war" on drugs.

On January 25, 1990, President George Bush submitted to Congress what is today the foundation for both domestic and international anti-drug policies. The policy has two major components: 1) reduction of demand and 2) reduction of supply. Supply reduction efforts accounted for roughly seventy percent of the federal anti-drug control budget in 1990.

The majority of demand reduction measures (e.g., education, rehabilitation, and treatment) tend to be within the purview of activities performed by state and local governments. Some of the key areas on the domestic scene have included using the criminal justice systems; drug treatment programs; prevention activities in the nation's school system, businesses and communities; and

improved local and national intelligence and research resources. 10

The United States international drug policy has four major components: 1) eradication of narcotic crops, 2) interdiction and law enforcement activities in drug-producing and drug-transiting countries, 3) international cooperation, and 4) sanctions. 11

In October 1993, then-Deputy Secretary of Defense William Perry signed new policy guidance which focused around five strategic elements:

- 1) Support to cocaine source countries
- 2) Intelligence support targeted toward dismantling cartels
- 3) Detection/monitoring of the transport of illegal drugs
- 4) Support to domestic drug law enforcement agencies (DLEAs), emphasizing the southwest border and other highintensity drug trafficking areas (HIDTA); and
- 5) Demand reduction: community outreach with military personnel as role models and target "at risk" youth. 12

For more than 14 years, America has waged a war against illegal drugs. The White House unveiled its new \$14.6 billion drug strategy on February 7, 1995, the largest request ever. The debate rages on over whether the best way to stop drug abuse and the crime that accompanies it is treatment or punishment.

The new strategy is similar to previous plans, funneling most of the cash to law enforcement based on the theory that cops and courts are the final front lines of defense. But for all the money spent and people jailed over the years, drugs remain cheap,

potent and easy to obtain.

White House drug czar Lee Brown wanted 36% of the new drug budget to go for treatment and prevention stating, "If you want to really get a handle on the drug problem, you have to reduce the demand." But he has not found a very sympathetic Congress. The administration's policy is still based on a "blame-the-society-first" approach to crime and punishment, according to Senator Phil Gramm, head of an appropriations subcommittee on commerce, state and justice.

Nationwide, drug offenders outnumber violent offenders in federal prisons, consisting of approximately 21.5% of the total federal prison population. Not treating addicts in prison is counterproductive and preposterous. They should be put into drug or alcohol treatment since while they are a captive audience.

Part of the new drug strategy includes a TV commercial in which President Clinton urges people to "help better ourselves."

There has not been much sympathy for addicts from the politicians. Drug addicts are a despised class of people, and treatment is doing something for them.

Illegal drugs pose enormous social problems and drug policy has traditionally not benefited from much quantitative analysis. In recent years this has begun to change. The problems are still large and the potential to improve policy substantial. With the growing body of data, methodological tools and expertise, the time is right for operations research to help shape drug policy. 13

#### Risks

If the United States does not adopt a more comprehensive and balanced policy to combat the war on drugs, our national security may very well be at risk. This threat is not from some outside aggressor nation, but from the greed, corruption and low selfesteem of its own people. Millions (maybe billions) of dollars from illicit drug proceeds are being laundered through major financial institutions and real estate transactions. This could undermine the economic stability of our financial institutions and create economic chaos if left unchecked.

The huge amounts of money spent in recent years on the drug war have not reduced addiction. Per capita use of cocaine has in fact increased. And the effort to stop drug use by harsher and harsher criminal penalties has had devastating side-effects. It has made importation and distribution of the forbidden products immensely profitable. That in turn has lured large numbers of young men and women, even children, into the trade.

In May 1994, the Hoover Institution in Stanford, California put on a conference about drug policy. The participants included George Shultz, the former Secretary of State, and Milton Friedman, the economist, and dozens of police officials. The participants ended by favoring overwhelmingly, medical and educational alternatives to the war on drugs.

One of the adverse "side-effects" of the current drug war strategy is the incarceration of enormous numbers of people.

This country now has more than one million prisoners, many of

them sentenced to long terms for nonviolent drug crimes. It costs us upward of \$20,000 a year for each one - and it will cost hundreds of billions to build new prisons.

The racial impact of the drug war is also particularly devastating. One third of this country's black men between 20 and 29 years of age are now in prison or under supervision of the criminal justice system, most of them for drug crimes.

Then there is the murderous quality of life in urban ghettos. Guns accompany the drug trade, and small children are accidental victims of the street battles that result. By one estimate, we have 10,000 drug-related homicides each year.

If we began to decriminalize our drug laws, there might be an increase, perhaps temporary, in casual use. But against that possibility one has to weigh the great gains for society in taking the profit out of the drug trade. We must try to limit drug use, but not use methods that do more harm than good.

Cigarettes have been found to addict young users more than any other drug, causing approximately 400,000 Americans to die prematurely each year because of tobacco use. Yet we fight this problem not by criminal prohibition, but by education, which has substantially reduced the use of tobacco products. Prohibition drives up the price of drugs and cause users to commit crimes in order to pay for a habit that would be easily affordable if it were legal.

The futile attempt to eliminate drug use and the large amounts of money generated by a black market have led to a great

deal of police corruption. Drug dealers spread cash around to avoid arrests, while one major city after another exposes a tangled nest of police lying and planting drugs on suspects in a hopeless attempt to satisfy the public demand to "crack down" on drugs.

The attempt to achieve a "drug-free society" is another example of what F.A. Hayek called The Fatal Conceit and Thomas Sowell in his book calls "the vision of the anointed" - the belief that political power can bring about whatever results politicians and their court intellectuals want, without regard to real-world preferences and incentives.

We will never stamp out drugs because we simply cannot kill the market. The drug trade is a huge underground economy that is tax-free and unregulated. If government would accept defeat in the drug war and accept that certain members of society will abuse drugs regardless of education, then the remaining alternative would be legalization. The illegal suppliers would be bankrupt overnight. The market could be taxed and regulated and the windfall revenue could go toward further drug education.

An estimated 12.5 million Americans now use illegal drugs, according to the latest figures from the U.S. Department of Health and Human Services. Seventy-six percent are White, 14 percent are Black and 8 percent are Hispanic. Seventy-four percent of adult users are employed. While national drug use peaked in 1979, drug use today is on the rise, especially among

the young. As more and more U.S. citizens fall prey to drug abuse and its serious ramifications, we are losing a large portion of what would otherwise be a productive segment of our society. They are now becoming dependent on social programs to provide the basic necessities of life (i.e., food, shelter, medical care, rehabilitation, etc.)

A large segment of our society has been ravaged by drug abuse. Not only are the abusers affected, but their families and the communities at large suffers the consequences. Increased crime (to include robbery and murder) to support their drug habits affects those unfortunate individuals who become the victims of the addicts. There is a "domino effect" that cannot be isolated from the rest of society.

Unless we effectively deal with the problems posed by the illegal drug abuse/trafficking in this country, our standards of living will continue to decline. Opportunities for those promising members of our society will be forever lost through neglect. It requires a re-evaluation of priorities, values and ethics at every level of government and society.

The military has traditionally been the "ultimate" answer to threats faced by our nation, but this situation requires a more "behavioral modification" approach at the individual level. Only then will we be able to reverse the downward spiral of our sacred institutions; e.g., family, church, morals, values and ethics. "Just say no" and other catchy slogans are not enough to stem the tide of an epidemic that seems to have infested almost every

facet of the American way of life. True, the military can be effective when there are clearly defined objectives, an identifiable enemy (target) and given the latitude necessary to accomplish the mission. But in this case, I'm afraid we have "met the enemy and it is us!" We need a return to some basic tenets that have fallen out of vogue.

Education is the foundation upon which any successful endeavor must be built. Ours should be a society of the most literate and well-educated people on earth. With all the material advantages we have over most other developed countries, it is sad commentary when we look at the high rates of illiteracy, hunger, homelessness, teenage pregnancy, sub-standard health care, etc., that plague our nation. The family unit seems to have become passe' The tradition "family unit" (father, mother and children) under one roof has given way to single-parent households, latch-key kids, juvenile/foster homes, street kids, and gangs. Grandparents and aged parents are more and more being ostracized from their off-spring and placed in nursing homes or left to fend for themselves. The passing of knowledge from one generation to the next through "story-telling" by the grandparents is almost a by-gone era. The rich cultural and ethnic awareness that comes only from our ancestors over the passage of time seems to be lost to the expediency of the "menow" generation.

Belief in a "Higher Being"; faith in somebody other than yourself; trust, these all seem like foreign concepts today. We

must get back to the basics of what made our Country great in the first place. Individual freedoms, religion, a strong work ethic, and a concern for our fellow man is what propelled America ahead of the rest of the world. We must not loose sight of these important ideals if we are to regain and retain the moral "high ground". 14

The vision of our society becoming one of mass drug-infested neighborhoods, a disease-ridden populace, crime-filled streets, and an utter welfare-state as a result of a drug problem gone amuck, is like a scene from a horror movie at best. But, unless drastic steps are taken to reverse these trends through a more enlightened counterdrug policy, these scenes may become a reality.

## Ends/Objectives

The current National Military Strategy of employing U.S. armed forces to secure the objectives of our national policy in the counterdrug war is seriously flawed. The desired objective (ends) to halt the flow of illegal drugs into the United States discounts the fact that even without the foreign influx of illicit drugs, "home grown" marijuana is now the second-largest cash crop in this country, providing nearly half the demand of the illegal domestic market.<sup>15</sup>

What role should the military play in the drug war?

Proposals have included ideas like lining the entire 2,000-mile

U.S.-Mexican border with soldiers and giving Air Force jets the

authority to shoot down planes carrying drugs.

Federal law prohibits the military from anything more than a support role along the border in the fights against drugs and immigration, but that has not squelched the cries for greater involvement by the Department of Defense.

The Posse Comitatus Act of 1878, which regulates the use of military forces in civilian law enforcement, was amended in 1981, allowing the military to:

- Loan equipment, facilities and personnel to law enforcement agencies,
- 2) Operate equipment to monitor and communicate movement of air and sea traffic; and
- 3) Participate in interdiction support operations if a joint declaration of emergency exists.

However, the military <u>cannot</u> conduct searches, seizures or arrests; nor may it participate if readiness is adversely affected. 16 Currently, the active-duty armed forces as well as the reserves do jobs like translating, gathering intelligence and building fences. So, given these constraints as a minimum, what is the most effective and efficient use of the military in support of the drug war?

One answer is to assign that mission to the National Guard. Still, that act is running up against the Latin American drug cartel's increasing reliance on high-tech tools and advanced intelligence to expand and guard their empires. And that is leading many to demand that the military meet strength with

strength. Even though there is plenty of anti-drug work to go around, DoD does not want to compete with the Border Patrol and the Immigration and Naturalization Service.

The National Guard, in its State role, is not subject to the statutes under posse comitatus as is the active component.

Therefore, the National Guard would seem to be the logical choice for assuming greater responsibility for the drug war mission. 17

Further utilization of State level resources and more emphasis on "citizen/soldier" responsibility for dealing with a problem that is a "community" as well as national problem in scope would incorporate the economy of force principal.

The armed forces are not an efficient way of dealing with the problem of drug consumption, except for its own members. The fact that a massive demand in developed countries (especially the U.S.) makes illegal drug trafficking so profitable that there will be people who find it practical and worth their while to engage in this activity. Without dealing with the sources of demand, no effort on the supply-side can be effective. The military can help, but it cannot provide the final solution. Drugs account for losses to American society which are variously estimated but may be of up to \$200 billion annually in health, insurance, law enforcement, imprisonment, absenteeism, etc. 18 I contend that the armed forces, like any major corporation, can control its own members to a certain extent, but the use/abuse of illegal drugs in this country is larger than the military and requires the mobilization of the entire U.S. populace to stem the

tide of our own self-destruction.

The United States focus on source country supplies is largely futile, but there are critical U.S. interests to be served by a more effective international drug policy. For example, we should cooperate (bilaterally and through multilateral agreements) with other governments in pursuing major drug traffickers and their financial assets. Extradition to the United States should be insisted upon for those individuals trafficking in illegal drugs to this country.

The "certification" process (whereby countries are graded on their degree of cooperation with the U.S. policies on illicit drugs) perpetuates the myth that supply rather than demand is the heart of America's drug problems.<sup>19</sup>

The theory that curtailment of drug supplies will drive up retail prices, thereby reducing the number of users who can afford to buy drugs has not worked well in practice. Illicit drug prices are down and purity of the product is up.

As a result of its historical development, U.S. drug policy during much of this century has focused on supply reduction, especially drugs produced in other countries. We are more inclined to blame others for our domestic drug problem and have sought solutions aimed at eradicating foreign production. It is time we focused more attention and resources inward toward combatting our domestic demand for the illicit drugs.

## Ways/Concepts

The United States approach to resolving its drug crisis has

been greatly complicated by certain inherent contradictions that frequently appear between our anti-drug policy and other policy objectives and concerns. Our National Military Strategy of interdicting and suppressing drug production in foreign countries is in essence preventing job growth and improved standards of living, foreign exchange, reduced consumer prices from money laundering and increased circulation of income. Therefore, it is easy to see why foreign governments are hesitant to adhere to U.S. preferences and policies.

Drug trafficking has been identified as a national security problem, evoking an ever-increasingly punitive response. Yet, it remains a highly profitable and growing enterprise. Even though the problem is elevated in stature to one of national security, that in itself will not guarantee it will be resolved.

In the evolution of post-cold war foreign policy, our citizens have demanded that diplomacy advocate domestic interests. A consequence of this policy has been the assignment of annual "pass-fail" grades, known as "certifications" or "decertification" to foreign countries for their anti-drug efforts. This policy has been unsuccessful in stemming the flow of illegal drugs into the United States. The reason for the failure is that in those instances where a "failing" grade would be justified and the resultant cut-off of U.S. and multilateral aid would threaten U.S. interest, a "national interest" exception is granted. This defeats the spirit and intent of imposing harsh sanctions on those countries that supply the majority of

narcotics to the United States. 23

Demand-side and supply-side advocates share a common allegiance to what might be called the use reduction paradigm (MacCoun, et al., 1993), a commitment -- sometimes tacit -- to the view that the highest if not exclusive goal of drug policy should be to reduce (and if possible, eliminate) psychoactive drug use. Use reduction comes in two forms. Moralistic use reduction is the view that psychoactive drug use is intrinsically undesirable or even immoral; one either shares or rejects this view as a matter of principle, but it is relatively impervious to deductive or inductive challenge. Pragmatic use reduction is the (perhaps unreflective) view that reducing drug use is the most effective way to reduce the harms associated with drugs. As such, it is amenable to both deductive and inductive scrutiny, and a truly pragmatic use reduction advocate should willingly embrace any demonstrably superior method of eliminating drug harms.24

## Means/Resources

A recent national poll conducted by Peter Hart Research Associates revealed that two-thirds of the American public favor spending money for drug prevention, education and treatment programs, and enforcement in local communities, rather than interdiction or foreign eradication efforts.<sup>25</sup>

DoD's involvement in direct-action counterdrug operations is a mistake and has not succeeded in stopping the flow of illegal drugs into the United States. For example, the tracking down and

ultimate killing of Pablo Escobar in Colombia by law enforcement officials was hailed as a great victory in the war on drugs.

That it was, but if in no way lessened the amount of cocaine and other illegal drugs available in this country. It only lessened the competition between the warring drug cartels. Fighting the drug cartels and other criminal "ghost states" is prone to fail because of the many restrictions, gray areas, and other opportunities to lend themselves to embarrassment and demoralization of our forces involved. Again, this is not a military problem and neither can it be solved by the military alone. Our biggest constraint is a century's model of what armies do, what police do, and what governments legally can do. The adversary (drug cartels and other criminal elements) has none of this "excess baggage" to contend with. 26

If we are going to use the military to fight (and win) this war on drugs, don't "hamstring" their efforts. The full complement of resources available should be brought to bear in attacking the problem. I agree with remarks made by General Maxwell Thurman (USA, Retired) to former Secretary of Defense Dick Cheney on June 13, 1988; "...The Defense Department could be much more aggressive in the war on drugs. The intelligence capabilities are staggering. The ability to spy overhead with satellites and to tap into the world banking transactions are quite extraordinary. No drug lord could begin to compete if the military's espionage capabilities were turned loose. Routine radar surveillance could mean capturing many drug shipments."<sup>27</sup>

The use of our armed forces to complement the civilian drug law enforcement agencies would serve as a "force multiplier" capable of winning the war on drugs, domestic terrorism and any other threat to our national security.

Lasting answers to America's drug problem can (and must) be found here at home, not abroad. According to a 1994 RAND Corporation report, cocaine use in the United States can be combatted more cheaply and directly by treatment than by interdiction or source country eradication.<sup>28</sup>

Experts agree that more emphasis needs to be placed on programs to help reduce the demand for illegal drugs. <sup>29</sup>Preventive education programs, beginning with young children, should be the starting point.

In the long haul, reducing domestic demand is the only way to suppress the transnational drug trade and the traffickers who profit from it. As the world's largest consumer drug market, the United States greatly affects the international drug trade, and reducing U.S. demand is crucial to the success of any international drug policy. The current model for supply reduction must give way to a greater emphasis on reducing the demand.<sup>30</sup>

Whatever the approach, it is clear that there will be a need for considerable experimentation to develop more effective models for integrating law enforcement and treatment efforts against drugs. Signs of progress in this area will be provided by evidence that both groups are using the same outcome measures to

assess their efforts and are pursuing common goals.31

#### Conclusions

Attacking the center of gravity of the drug cartels (i.e., assets and leadership) is the key to winning the war on drugs insofar as the supply-side efforts are concerned. From the demand-side, we should focus on solving the problem from a community perspective, not solely viewed as a military or law enforcement problem. 32 I share the view espoused by Dr. Rosenberger, who refers to it as a "neighborhood strategy". 33

How serious is the United States commitment to resolve the drug problem? Is American society willing to bear the cost of an effective war on drugs in terms of potential restrictions on traditionally guarded freedoms such as the free flow of persons, goods, and funds? Is a Federal anti-drug budget of roughly \$10 billion a year adequate to effectively contend with a well-entrenched \$100-\$500 billion a year criminal enterprise? What is an effective balance between Federal supply and demand oriented drug control policies? What is the potential impact of foreign supply-reduction operations on U.S. domestic demand reduction? What is the cost-effectiveness of such operations, and to what extent should the drug war be fought overseas and here at home? The questions abound, but more and more Americans are advocating maximizing efforts and increasing funding to control U.S. demand at home, while interdicting drugs at our borders.

If indeed there is a "war" on drugs, then logically the military should be involved. A couple of questions beg to be

asked: 1) To what degree should the military be involved, and 2) What constraints (ROE) apply? A current strategy should be developed that focuses on the present and one to two years into the future. This strategy would look at near-term objectives (ends), based on existing resources (means) and reasonable concepts of operations (ways). The disagree with the notion that supply-side efforts can produce the greatest results. Only with unlimited resources would that be possible. Given the reality of the dire economic times we live in, that is not the foreseeable future. Therefore, a more pragmatic approach on the demand-side efforts seem to be the more prudent course of action.

The community must agree that there is a problem. If the problem is not visible, the community will not support measures to resolve it. Ownership of the problem is key to its resolution. Prevention systems should attempt to reach one hundred percent of the people, and they must be sensitive to all ethnic constituencies within the community.<sup>36</sup>

The American people must be very cautious about the "fixes" of key policy-makers whose agenda is self-promotion and aggrandizement; those whose political ambitions are more grand than the object of a drug-free community. The self-serving interests of these individuals can be as harmful as drug trafficking itself. The task of helping people to regain their community, health and self-esteem should be an act of humility, wisdom, and love.<sup>37</sup>

Former Secretary of State James Baker summed it up best;

"... There is no foreign policy issue short of war or peace which has a more direct bearing on the well-being of the American people." $^{38}$  Everything that this Country has built up through the years; e.g., institutions of higher learning, medical accomplishments, etc., are being put to the test. Can we as a society that has overcome natural and man-made disasters, threats from foreign military aggression, and health crises of the highest magnitude, survive the scourge faced by our society in combatting the use/abuse of illegal drugs? One must think in the affirmative. The dedication we have mustered in the face of all other dangers and threats to our way of life is called for in this situation. Our men and women in uniform have been up to the task whenever called upon to defend the Constitution and the American people. The call must now go out to every citizen to come to the aid of their fellow countrymen in taking back our streets and communities. Some day we may have political leaders brave enough to do what most of the police authorities and judges who are on the front line have concluded is essential: stop the self-destruction of the war on drugs.

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